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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/559,955	05/18/2006	Michael Schlogl	247.1007	1373
20311 7590 12/23/2008 LUCAS & MERCANTI, LLP 475 PARK AVENUE SOUTH 15TH FLOOR NEW YORK, NY 10016				
EXAMINER				
WESTBROOK, SUNSURRAYE				
ART UNIT		PAPER NUMBER		
4117				
MAIL DATE		DELIVERY MODE		
12/23/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/559,955

Applicant(s)

SCHLOGL, MICHAEL

Examiner

SUNSURRAYE WESTBROOK

Art Unit

4117

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 7-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SE/CI)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date 20051208, 20060505 & 20080219

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 7, 11-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 7 does not follow the conventional United States formatting; a colon should be placed after using such words as comprising in the preamble section, so that the preamble is clearly identified. In the rejections below the word comprising in line 5 is considered the end of the preamble. The claim is also narrative in nature and should only include structural limitations. Correction is required. Claims 11-12 have the same indefiniteness problem as claim 7 from which they depend from. Claims 8-10 are good examples of what a claim should look like.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 7-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zoratti et al. in view of Leitner.

5. Regarding claim 7 Zoratti et al. (US 7098778) teaches a sensor system for detecting a pedestrian collision in the front region of the a motor vehicle comprising:

A fiber optic sensor that extends in the front region of the motor vehicle (see figures 2-5);

An infrared sensor that generates a signal for distinguishing between the collision of animate and inanimate objects (see figures 2-5);

Zoratti et al. does teach that a sensor system having a fiber optic to deform upon collision of an object.

Leitner (US 2005/0173886) teaches a sensor system having a fiber optic to deform upon collision of an object. It would have been obvious to one of ordinary skill in the art, at the time of the invention to provide a sensor system taught by Zoratti et al. to have a part extended from the motor vehicle to deform upon collision with an object triggered by a fiber optic sensor as taught by Leitner in order to provide a safety zone to prevent major damage to the vehicle as well as the object hit in a collision.

6. Regarding claim 8 Zoratti et al. Also teach a sensor system for detecting a pedestrian collision having the fiber optic sensor integrated in the front fender of the motor vehicle (see figures 1-5).

7. Regarding claim 9 Zoratti et al. Also teach a sensor system for detecting a pedestrian collision having the infrared sensor integrated in the front fender of the motor vehicle (see figures 1-5).

8. Regarding claim 10 Zoratti et al. Also teach a sensor system for detecting a pedestrian collision having signals of the fiber optic sensor and the infrared sensor evaluated by a control unit (see figure 6).
9. Regarding claim 11 Zoratti et al. Also teach a sensor system for detecting a pedestrian collision having the control unit receiving signals from a temperature sensor that are evaluated in the control unit in addition to the signals of the fiber optic sensor and the infrared sensor (see figure 6).
10. Regarding claim 12 Zoratti et al. Also teach a sensor system for detecting a pedestrian collision having the control unit receiving signals from a tachometer that are evaluated in the control unit in addition to the signals of the fiber optic sensor and the infrared sensor (see figure 6).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SUNSURRAYE WESTBROOK whose telephone number is (571)270-7820. The examiner can normally be reached on Monday to Thursday from 8:30am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Naeem Haq can be reached on 517-272-6758. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. W./
Examiner, Art Unit 4117

/Charles A. Fox/
Primary Examiner, Art Unit 3652